



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

July 3, 2025

By ECF

The Honorable Colleen McMahon
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *The New York Times Company v. U.S. Department of Justice*,
25 Civ. 4199 (CM) (JW)

Dear Judge McMahon:

This Office represents defendant U.S. Department of Justice (“DOJ” or the “Government”), in the above-referenced action brought pursuant to the Freedom of Information Act, 5 U.S.C. § 552, *et seq.* We write jointly with Plaintiffs’ counsel to provide the Court with a status update and to respectfully request that the Court relieve the parties of their requirement to submit a Civil Case Management Plan by July 7, 2025, and to appear at the Initial Pretrial Conference scheduled for September 11, 2025 (ECF No. 7).

The parties met and conferred to discuss the status of the processing of Plaintiffs’ FOIA request to DOJ dated March 20, 2025. By letter dated July 3, 2025, the Department’s Office of Information Policy (“OIP”) issued a final response to Plaintiffs in which OIP produced four pages of responsive material with redactions made pursuant to Exemption 6 of the FOIA, 5 U.S.C. § 552(b)(6).

The parties have further discussed and agreed upon the appropriate next steps in this action, subject to the Court’s approval. The parties respectfully request that they be relieved of the requirement to submit a Civil Case Management Plan and to appear at the Initial Pretrial Conference, *see* ECF No. 7. Pursuant to Local Civil Rule 16.1, cases involving reviews from administrative agencies, including FOIA cases like this one, are generally exempted from the mandatory scheduling order requirement. Moreover, courts in this district regularly exempt FOIA cases from scheduling requirements, *see, e.g.*, Endorsed Order dated Nov. 6, 2024, *The New York Times Company v. U.S. Dep’t of Defense*, 24 Civ. 6337 (CM) (ECF No. 13), as FOIA cases typically do not involve discovery and are resolved at summary judgment. *See Carney v. U.S. Dep’t of Justice*, 19 F.3d 807, 812 (2d Cir. 1994). The parties respectfully propose that they submit either a stipulation of voluntary dismissal or a joint status letter to the Court by August 8, 2025, regarding the status of their progress in resolving Plaintiffs’ FOIA request and raising any disputes that require the Court’s intervention, to the extent the parties are not able to resolve such disputes informally.

We thank the Court for its consideration of this letter.

Respectfully,

JAY CLAYTON
United States Attorney

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cc: Plaintiffs' Counsel (By ECF)